

sory for everyone who owns a car, covering him and the occupants and eventually, possibly the pedestrians whom he might hit.

Second, I think a study ought to be made on extending the coverage of social security for survivorship and disability benefits for those who are not already covered by social security. Fortunately, Congress has, in the past 15 years, so expanded disability insurance that most of our laboring work force is covered by it. Nevertheless, there are key groups which are not covered by it. These are young people in the work force who have not yet acquired the necessary quarters of coverage, and young people in the student group who have not yet joined the work force; and these, as we know, are particularly accident prone.

So, I would suggest that this study should certainly concentrate on the ways of expanding our best and most efficient and direct programs.

Now, second, what to do about negligence liability. That is a system of rules which grew up a hundred years ago and was very appropriate to the reign of Andrew Johnson but which does not have very much to do with the Presidency of Lyndon Johnson.

It grew up at a period when there was no liability insurance, there was no collision insurance, there was no health insurance, there was no social security, there was no temporary disability, and there was very little sick leave.

As a result, we have a group of rules which work very badly today. I think that the study of negligence liability must give attention to some of the weak spots in the negligence system. There are a great many of these but I will simply point out a few which I think call for immediate attention.

No. 1 I have mentioned, the collateral source rule. That rule simply does not make any sense in a day when we have all these other programs.

A second problem to which I would like to call your attention is the compensation of pain and suffering, or damages for pain and suffering.

If you imagine a guilty driver paying money out of his own pocket to an injured person for his pain and suffering, it probably is enough if the jury finds it is the fault of the driver. But today those damages are paid by insurance companies out of premiums contributed by every one of us.

Now, if you were to put compensation on a legislative basis like social security, and you had to tax every citizen for the money that comes out, would you tax citizens to pay for pain and suffering? I will observe that no government, to the best of my knowledge, ever has; and no individual has ever voluntarily bought insurance against pain and suffering.

Yet, what we have today through liability insurance is the fact that you and I, and every other automobilist, is being taxed to contribute to this fund which pays out large amounts for pain and suffering.

Now there are two other problems about pain and suffering in practice. One of them is that the people who try to live with their sorrows don't collect very much here. The people who collect are those who dramatize them—those who are willing to brood over them until the jury awards the damages.